

have C-N uses only. [The existing daycare property to the south (Brookfield Academy) was part of that same annexation/rezoning request in 2004, and it was approved with C-C(c) zoning, but that the only use allowed is a daycare center.] Since 2004, the subject property has continued to remain undeveloped, and under the same current ownership. The main hindrances to development would appear to have been the existing 100' GA Power easement traversing the middle of the property, as well as the restrictive zoning conditions. Also since 2004, it should be noted that the range of allowable uses in C-N zoning has slowly changed over the years, particularly with the implementation of the LDR in 2009 and all the Use Table amendments since then. Attached is a copy of the current Use Table comparison for these zoning districts.

The surrounding land use pattern is dominated by a mixture of commercial and high-density residential uses, as well as some still-vacant lands. The surrounding zoning pattern reflects the same general mixture as the land use, with zonings ranging from C-H, to C-C, to R-P, to PRD residential. However, when focusing on just the street frontages along Brookfield and Murray Roads, it is the commercial type zoning and land uses that dominate even more.

The applicant's proposed primary use of the property as a flooring business, is allowed in C-N zoning with a Conditional Use Permit (CUP) approval, and is allowed as a Permitted Use in C-C zoning. The applicant's choice in this matter was to either request CUP approval, or attempt to rezone the property to regular C-C. Because of the general land use and zoning patterns of this area, the long tenure of this property being undeveloped, and because staff finds the current C-C(c) zoning of the property to be rather awkward, it was staff's recommendation to the applicant that they seek the Rezoning option. Staff is very supportive of this request.

Staff finds the request consistent with the Comprehensive Plan and the Standards for the Exercise of Zoning Power (SFEZP) and recommends approval to the City Council.

Commissioner Willis asked if the use would be permitted as it is currently zoned and conditioned. Mr. Martin explained that a Conditional Use Permit would be required and by rezoning, more options for other buildings would be available.

There being no further questions for staff, Chairman Miller opened the Public Hearing portion of the case.

Speaking in favor of the request:

- Nathan Brantley, Attorney for Applicant – 701 N. Patterson St.
- Adonna Smith, Realtor – 2212 Bridlewood Dr.

Mr. Brantley stated the request to remove the conditions is in order to be able to streamline the process for potential future development/use, particularly with regard to professional office use. Additionally, Mr. Brantley stated the property owner intends to install fencing across the back of